

MINUTE ITEM

This Calendar Item No. C83 was approved as Minute Item No. 83 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

**CALENDAR ITEM
C83**

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06/26/06
PRC 8695 W 6005.105
R. Greenwood

**CONSIDER APPROVAL OF A NON-EXCLUSIVE
GEOPHYSICAL SURVEY PERMIT
ON DESIGNATED TIDE AND SUBMERGED LANDS
UNDER THE JURISDICTION OF THE
CALIFORNIA STATE LANDS COMMISSION**

APPLICANT:

San Francisco Public Utilities Commission
Attn.: Mr. Scott Mac Pherson
1145 Market Street, Suite 401
San Francisco, CA 94103

BACKGROUND:

The geophysical survey program that would be authorized under the terms of the proposed permit, will gather data that will be used in the design, routing, and preparation of an environmental impact report (EIR) for a proposed underground trans-bay water pipeline (Bay Tunnel) connecting a valve house in the city of Newark, Alameda county, to a receiving valve house facility at Ravenswood in San Mateo county. The geophysical surveys will employ low energy and passive methods, described below, currently authorized for use within State offshore waters.

The proposed project involves 21 seismic survey transects (25 to 30 linear miles) in the South San Francisco Bay, Newark Slough, and Plummer Creek, along the proposed Bay Tunnel alignment, located one-mile south of the Dumbarton Bridge, during a period of eight to ten days. The geophysical survey will include the following equipment: 1) echo sounders for bathymetric surveys, 2) sub bottom profiler (chirp system), and 3) low energy (less than 2 kilojoules) seismic transmitters, including a squid minisparker (operating at a power level of 350 joules), and a geopulse boomer (operating at a power level of 1.5 kilojoules). Peak sound pressures from these devices, operating at the power levels cited above, are 198 to 209 decibels for the minisparker and 204 decibels for the geopulse boomer. The sub bottom profiler will operate at a frequency of 2 to 16

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kHz with an output power of less than 2 kilojoules. Upon request, the California State Lands Commission will receive copies of all data derived from any and all surveys conducted under the permit.

The proposed five mile long underground aqueduct is to be buried throughout its route, having a total diameter of approximately eight feet.

TERMS OF PROPOSED PERMIT:

One year beginning July 1, 2006, through June 30, 2007.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Required fees, expense deposit and other security have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code section 6826
- B. California Code of Regulations section: Title 2, section 2905(e)(3)
- C. California Code of Regulations section: Title 14, section 15061

OTHER PERTINENT INFORMATION:

1. The City and County of San Francisco's Public Utilities Commission (SFPUC) is the Applicant and has provided copies of its project description to and coordinated the project with the following agencies: San Francisco Bay Regional Water Quality Control Board (RWQCB), and the National Marine Fisheries Service (NOAA), each of which has considered the proposed activities and indicated no issue with the proposed activities. A Request for Marine Mammal Protection Act Incidental Harassment Authorization (IHA) was approved and published by NOAA on May 18, 2006.

The issuance of the IHA was based on the implementation of specific mitigation measures affecting: 1) time and location restrictions, 2) establishment and monitoring of up to a 100m (328 feet) radius around the specified equipment, and 3) use of a "soft start" of specified equipment to prevent startling responses. The IHA also requires the submission of a final report to the MNFS with specified information to be included.

The NMFS has determined that the level of seismic surveys and other activities associated in the South San Francisco Bay would result, at worst, in the Level B harassment of small numbers of California sea lions,

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Pacific harbor seals, harbor porpoises, and potentially grey whales that inhabit or visit South San Francisco Bay. While behavioral modifications, including temporarily vacating the area during the survey period of 8-10 days, may be made by these species to avoid the resultant visual and acoustic disturbance, the availability of alternate areas within San Francisco Bay and haul-out sites (including pupping sites) and feeding areas within the Bay has led NMFS to determine that this action will have a negligible impact on California sea lions, Pacific harbor seals, harbor porpoises, and grey whale populations along the California coast.

Further, staffs of the NOAA and the CDFG Marine Region have previously indicated that the proposed use of a low-energy Chirp system (160 dB at 4 meters) to conduct the geophysical survey along the proposed route will not produce sound levels that will result in physical injury to or mortality of fish.

2. The proposed surveys are compliant with the Bay Area Air Quality Management District, and avoids the adjacent Don Edwards Wildlife Refuge. No shipwrecks are known to occur in the survey areas, according to the State Lands Commission Shipwreck database. Any shipwrecks encountered will be reported to the staff of the State Lands Commission. A Spill Contingency Plan has been provided.
3. On April 25, 2006, the SFPUC, acting as the lead agency under the provisions of the California Environmental Quality Act (CEQA), determined that the geophysical survey activities, as described above, were categorically exempt from the CEQA pursuant to section 15306 under Class 6, Information Collection.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

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5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et. seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Permit Location Map
- B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

October 23, 2006, (CSLC acting as a responsible agency under the CEQA).

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE SAN FRANCISCO PUBLIC UTILITIES COMMISSION OF A NON-EXCLUSIVE GENERAL PERMIT TO CONDUCT GEOPHYSICAL SURVEYS AS HEREIN DESCRIBED FOR THE PERIOD OF JULY 1, 2006 THROUGH JUNE 30, 2007, WITHIN THE PERMIT REGION AS DESIGNATED ON EXHIBITS A AND B, ATTACHED HERETO.



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LAND DESCRIPTION

Twenty-One (21) parcels of tide and submerged land, situated in Alameda and San Mateo Counties, California, being more particularly described as follows:

- Parcel 3 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,013,750.77, Easting = 6,102,511.91; thence South 09° 54' 09" West 4,706.54 feet, more or less and the end of said strip.
- Parcel 4 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,011,863.72, Easting = 6,105,360.80; thence South 60° 30' 24" West 4,008.20 feet, more or less and the end of said strip.
- Parcel 5 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,009,136.39, Easting = 6,102,970.57; thence South 64° 06' 14" West 13,618.07 feet, more or less and the end of said strip.
- Parcel 6 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,009,680.62, Easting = 6,102,431.77; thence South 62° 02' 53" West 13,298.18 feet, more or less and the end of said strip.
- Parcel 7 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,010,074.16, Easting = 6,102,249.85; thence South 61° 32' 20" West 13,312.43 feet, more or less and the end of said strip.
- Parcel 8 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,008,167.42, Easting = 6,097,845.38; thence South 59° 44' 41" West 8,605.68 feet, more or less and the end of said strip.

- Parcel 9 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,008,072.90, Easting = 6,096,157.74; thence South 53° 56' 02" West 7,099.94 feet, more or less and the end of said strip.
- Parcel 10 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,008,395.70, Easting = 6,095,797.38; thence South 50° 17' 47" West 6,913.89 feet, more or less and the end of said strip.
- Parcel 11 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,008,635.24, Easting = 6,095,749.92; thence South 53° 45' 00" West 6,989.59 feet, more or less and the end of said strip.
- Parcel 12 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,005,098.12, Easting = 6,091,916.97; thence South 19° 54' 58" East 1,707.40 feet, more or less and the end of said strip.
- Parcel 13 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,005,869.46, Easting = 6,092,588.83; thence South 20° 06' 15" East 2,111.72 feet, more or less and the end of said strip.
- Parcel 14 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,006,572.51, Easting = 6,093,407.78; thence South 21° 10' 40" East 2,375.35 feet, more or less and the end of said strip.
- Parcel 15 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,007,214.06, Easting = 6,094,216.75; thence South 19° 55' 59" East 2,615.99 feet, more or less and the end of said strip.

- Parcel 16 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,008,946.00, Easting = 6,094,266.72; thence South 23° 06' 26" East 4,135.86 feet, more or less and the end of said strip.
- Parcel 17 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,008,423.17, Easting = 6,095,670.52; thence South 22° 00' 02" East 3,060.74 feet, more or less and the end of said strip.
- Parcel 18 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,008,061.97, Easting = 6,096,795.86; thence South 25° 18' 59" East 2,233.75 feet, more or less and the end of said strip.
- Parcel 19 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,008,171.12, Easting = 6,097,865.59; thence South 68° 18' 17" West 4,391.30 feet, more or less and the end of said strip.
- Parcel 20 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,008,433.43, Easting = 6,098,676.81; thence South 23° 46' 16" East 1,744.04 feet, more or less and the end of said strip.
- Parcel 21 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,009,126.94, Easting = 6,099,770.17; thence South 21° 03' 43" East 1,902.91 feet, more or less and the end of said strip.
- Parcel 22 –** A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,009,393.84, Easting = 6,100,671.67; thence South 24° 22' 53" East 1,748.21 feet, more or less and the end of said strip.

Parcel 23 – A strip of land 33 feet wide lying 16.50 feet on each side of the following described centerline, BEGINNING at a point having CCS83, Z3 coordinates of Northing = 2,010,189.64, Easting = 6,101,642.57; thence South 25° 27' 34" East 2,033.03 feet, more or less and the end of said strip.

EXCEPTING THEREFROM any portion of the herein above described parcels, lying within California State Lands Commission, Sovereign Land Location #43 and described in that certain deed recorded February 1st, 1968, in Book 5426 Page 126, Official Records of San Mateo County, together with the lands described in that certain deed recorded February 1st, 1968, on Reel 2119 Image 325, Official Records of Alameda County.

The Basis of Bearing for this description is the California Coordinates System 1983, Zone 3, and calculated using NGS Control Station RED HILL RESET, Coordinates Northing = 2,027,018.14 feet and Easting = 6,099,180.44 feet, and NGS Control Station RED HILL TOP RESET, Coordinates Northing = 2,028,069.78 feet and Easting = 6,099,425.78 feet. All distances are grid and in feet.

END OF DESCRIPTION

Prepared 05-09-2006 by the Boundary Unit of the California State Lands Commission.

